

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LAWRENCE J. KANSKY,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 20-cv-42
	:	
v.	:	(JUDGE MANNION)
	:	
LUZERNE COUNTY, LUZERNE	:	
COUNTY SHERIFF'S	:	
DEPARTMENT, AND BRIAN	:	
SZUMSKI,	:	
	:	
Defendant	:	

ORDER

In accordance with the memorandum issued this same day, it is
HEREBY ORDERED THAT:

1. Defendants' motion to dismiss, (Doc. 66), is **GRANTED IN PART** and **DENIED IN PART**.
2. Plaintiff's Third Amended Complaint, (Doc. 57) is **DISMISSED** as to all claims against the Luzerne County Sheriff's Department.
3. Defendants' motion to dismiss Count I of the Complaint is **GRANTED** as to Luzerne County and Defendant Szumski in his official capacity. It is **DENIED** as to Defendant Szumski in his individual capacity.

4. Defendants' motion to dismiss Count II of the Complaint is **GRANTED** as to Defendant Szumski in his individual capacity and to the extent Count II claims overbreadth. It is **DENIED** as to Luzerne County and Defendant Szumski in his official capacity.
5. Defendants' motion to dismiss Count III of the Complaint is **GRANTED**.
6. Defendants' motion to dismiss Count IV of the Complaint is **GRANTED**.
7. Defendants' motion to dismiss Count V of the Complaint is **GRANTED**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: November 2, 2023

20-42-02